

State of California  
Business, Transportation and Housing Agency  
Department of Transportation

POLICY MATTERS  
Environmental Streamlining  
Information Item

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CTC Meeting: January 17-18, 2001

Agenda Item: 4.4

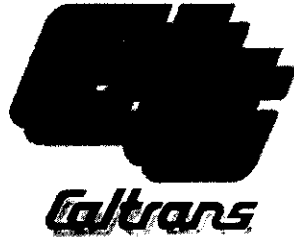
*Original Signed By* \_\_\_\_\_

W. J. EVANS, Deputy Director  
Finance  
January 5, 2001

**WORKSHOP ON ENVIRONMENTAL STREAMLINING**

The attached information will be discussed as part of the workshop on environmental streamlining.

# **The Project Development and the Environmental Process**



**BRIAN SMITH**

## **Presentation Summary**

- **General/specialty environmental laws and regulations**
- **Types of ED's based on effect**
- **Factors affecting ED timelines**
- **Streamlining initiatives**



## **General Environmental Laws**

### **Public disclosure and informed decision-making**

- **NEPA (National Environmental Policy Act of 1969)**
- **CEQA (California Environmental Quality Act of 1970)**



## **Cultural Resources**

- **Federal:**
  - **Section 106 of National Historic Preservation Act of 1966**
- **State:**
  - **CEQA**
  - **Public Resources Code Sections 5024 and 5024.5**



## **Examples of Cultural Resources**

- **Historic buildings & districts**
- **Historic bridges or roadways**
- **Historic canals**
- **Prehistoric & historic-period archaeological sites**
- **Traditional Native American ceremonial sites or sacred sites**
- **Historic landscapes**



## **Section 4(f)**

- **Section 4(f) of USDOT Act of 1966**
  - **Protects publicly-owned parks, recreation areas, wildlife and waterfowl refuges and properties on or eligible for inclusion on the National Register of Historic Places.**
  - **Requires finding that there are no prudent and feasible alternatives to the use of such resources.**



## **Endangered Species**

- **Federal: Endangered Species Act of 1973**
- **State: California Endangered Species Act (1985)**

**Protect threatened and endangered species and their habitat. Project cannot jeopardize continued existence.**

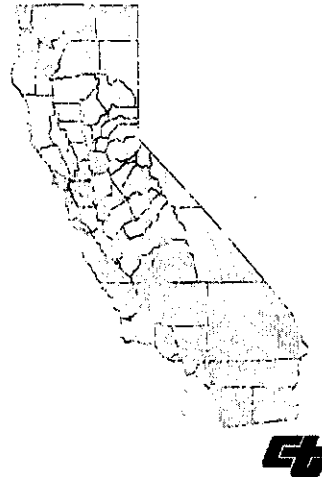
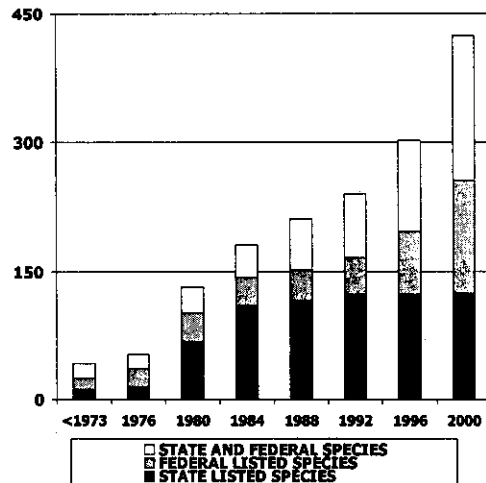


## **Examples of Endangered Species**

- **Red-Legged Frog**
- **Steelhead and salmon**
- **Saltmarsh Harvest Mouse**
- **California Coastal Gnatcatcher**
- **Valley Elderberry Long-horned Beetle**
- **San Joaquin Valley Kit Fox**
- **San Francisco Garter Snake**
- **Sticky-faced Monkey plant**



## Listed Species



## Water Quality

- **Federal:**
  - Clean Water Act of 1977 - Federal law requiring setting of WQ standards to protect “designated uses”, development of effluent standards and a permitting process for discharges.
- **State:**
  - Porter-Cologne Water Quality Act (1969) - California’s basic law to protect water quality and beneficial uses of the state’s waters.



## **Wetlands**

- **Federal:**
  - Section 404 of the Clean Water Act
  - Executive Order 11990 “Protection of Wetlands” (1977)
- **State:**
  - CEQA - assess impacts to wetlands



## **Examples of Wetlands**

- Swamps
- Vernal pools
- Rivers, creeks
- Bays
- Lakes
- Marshes
- Tidal areas
- Estuaries

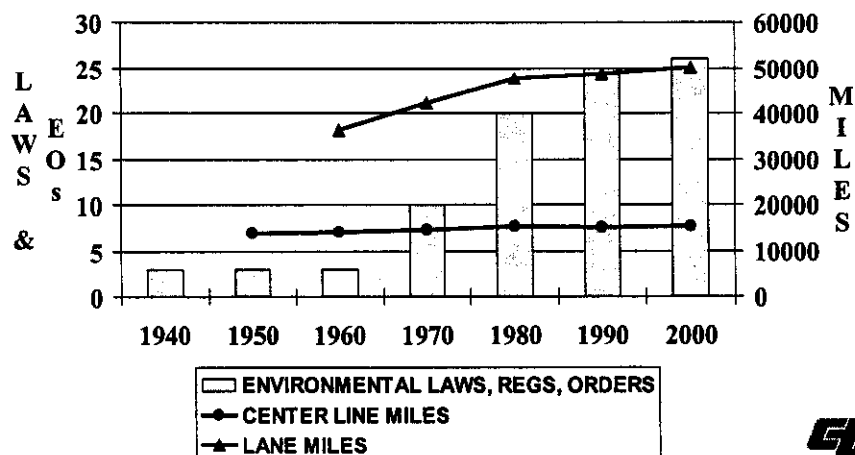


## Other Laws and Orders

- **Federal:**
  - Executive Order 11888: Floodplain Management (1977)
  - Executive Order 12898 Environmental Justice (1994)
  - Wild and Scenic Rivers Act (1968)
  - Coastal Zone Management Act of 1972
- **State:**
  - California Coastal Act of 1976
  - Streambed Alterations (F&G Code §1601)



## Environmental Laws & Executive Orders





## **Complying With All Laws And Orders**

- **The “NEPA Umbrella” Concept**
  - **FHWA policy to address all other federal requirements in the NEPA document, e.g., ESA, § 106, § 404, Environmental Justice (EJ)**
- **Combined CEQA and NEPA documents**



## **Types Of Environmental Documentation Based On Effect**

### **NO EFFECT:**

#### **CE's- Categorical Exclusions/Exemptions:**

- **Classes of projects normally with no effect**
- **Not an Environmental Document and is not circulated to the public**
- **Project must comply with other laws, e.g., ESA, § 106, § 4(f)**



## **Examples of CE's**

- **Restriping, landscaping, minor grading**
- **Operation, repair, maintenance of existing facilities**
- **Replacement or reconstruction of existing facilities with same purpose and capacity**
- **Resurfacing & pavement rehabilitation**
- **Safety and traffic operations improvements**
- **Bridge rehabilitation or replacement**



## **MAY EFFECT:**

### **NEPA- EA & FONSI / CEQA- IS & ND :**

- **No significant impacts or impacts mitigated below level of significance**
- **An Environmental Document and must be circulated to the public**
- **Project must comply with other laws, e.g., ESA, §106, § 4(f)**



## **Examples of ND/FONSI's**

- **Minor capacity-increasing project**
- **Interchange reconstruction**
- **Project on a designated scenic highway**
- **Project has significant impact on historical resource**
- **Either no significant impact, or impacts are fully mitigated**



## **WILL EFFECT:**

**NEPA- EIS**

**CEQA- EIR**

- **Have significant impacts on environment**
- **Significant controversy**



## **Examples of EIS/EIR's**

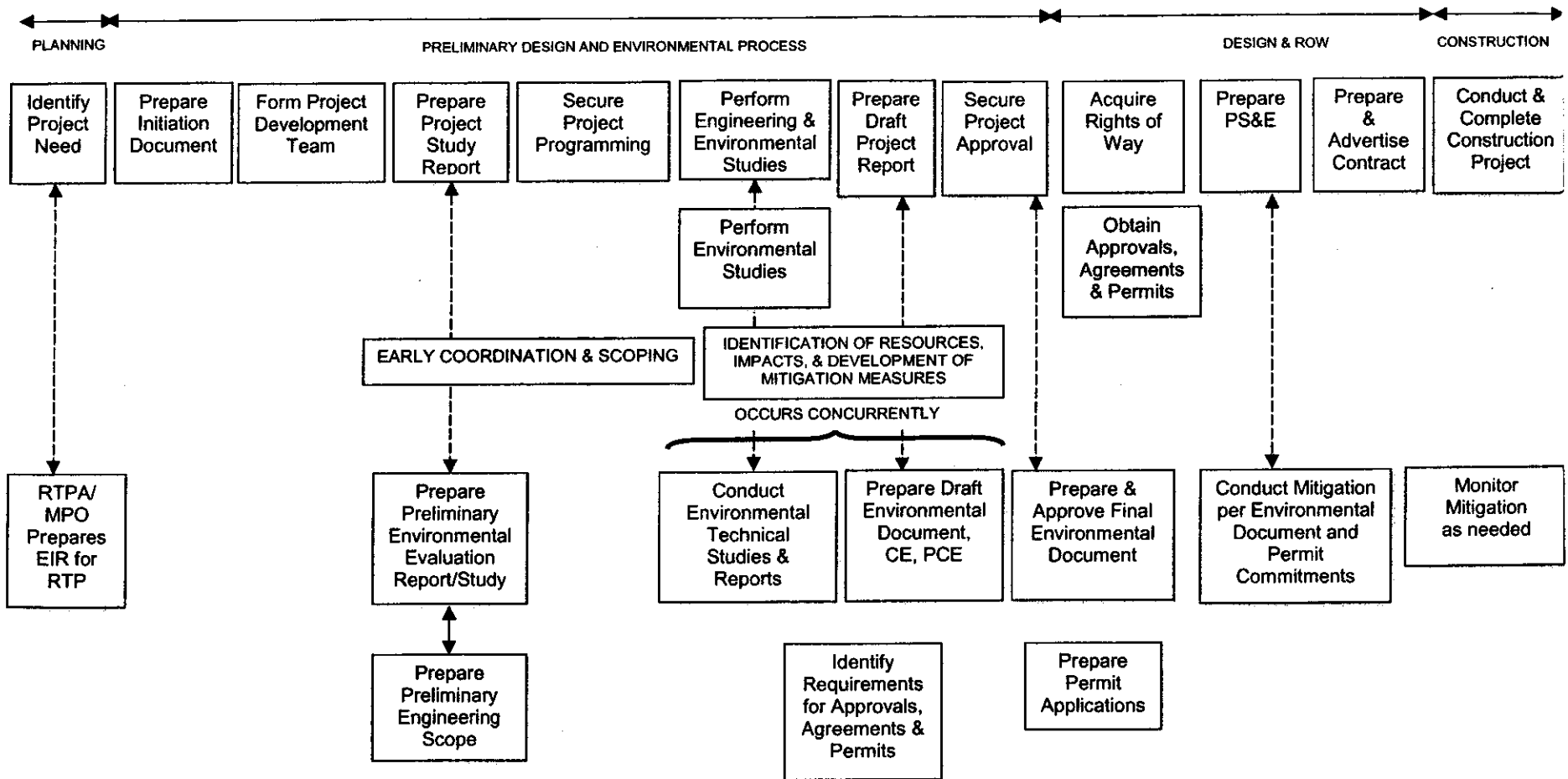
- **New controlled access freeway**
- **Highways on new alignment**
- **New or extended fixed rail transit**
- **Any project that may have a significant impact on the environment that cannot be mitigated.**
- **E.g., LA-710, SFOBB, Sol-37, Ala-238, Willits Bypass, Prunedale Bypass**

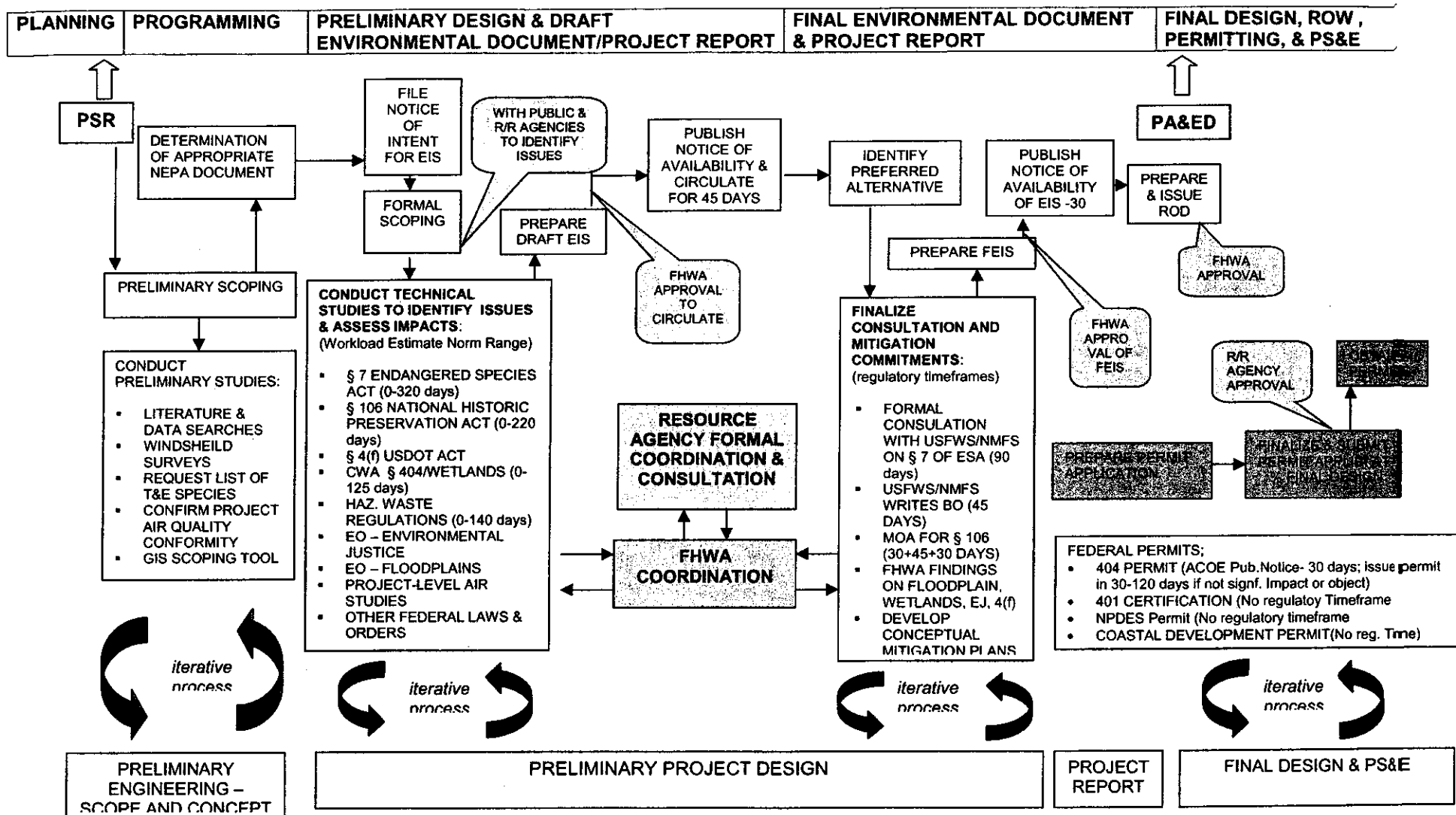


**Design and Environmental  
Studies is a Complex,  
Integrated and Iterative  
Process**

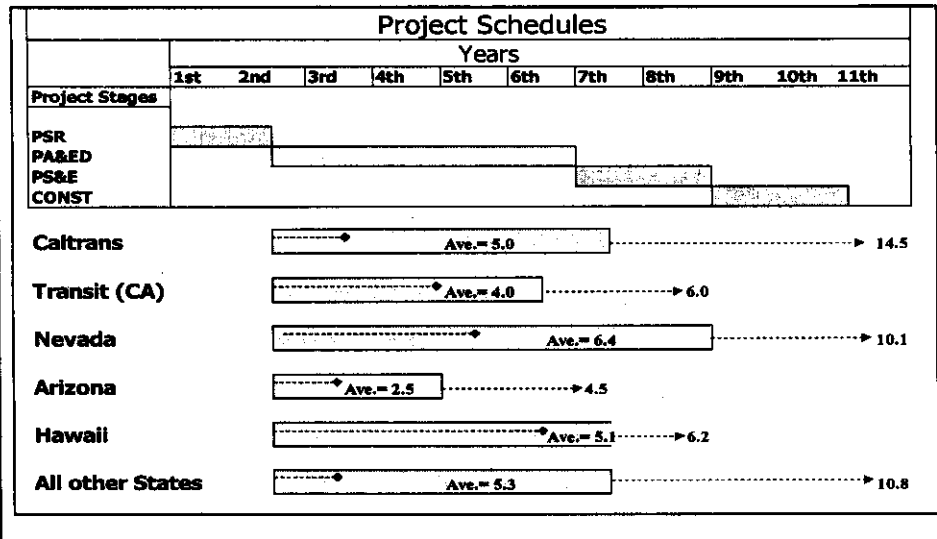


# SUMMARY OF CALTRANS PROJECT DEVELOPMENT PROCESS HIGHLIGHTING THE ENVIRONMENTAL PROCESS





## Typical Highway Improvement Schedule - EIS projects



## Causes/Reasons for Schedule Changes

- Project changes/redesigns can result in need for new or additional environmental studies & ROW
- Environmental impacts may result in need for project changes/redesigns
- Public reaction to a project can cause project changes/redesigns
- "Lotsa" laws and they keep changing
- Others define what is needed to comply
- Others do not share CT mission



## **Changes In NEPA Processing Time**

- **NEPA Document time ranges have increased from an average of 2.2 years in the 1970's to 5.0 years in the 1990's**
- **Section 404 process has increased from 2.4 years to 4.3 years**
- **Section 4(f) processing has increased from 2.8 years to 4.7 years**



## **Conflicting Missions**

- **CALTRANS, "Caltrans improves mobility across California"**
- **USFWS, "work with others to conserve, protect, and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people"**
- **USEPA, "protect human health and safeguard the natural environment-air, water, and land-upon which life depends"**





- DFG, “ manage California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for the use and enjoyment by the public”



## **Causes of Delay**

- Sometimes delay in project approval results from environmental issues, resource agencies, and/or public concern

**E.g., Oakdale Bypass**

- 1st programmed 1990 STIP, consultant / CT ED
- Technical studies revised 1998
- Draft EIS/EIR needed additional work:
  - Informal consultation-Red-legged frog
  - Route 108 traffic issues
  - Resolving 4(f) issue



- Resource agencies deferring decision on need for new biology studies until the preferred alternative is selected
- 4(f) resolution took FHWA 18-24 months
- Traffic analysis deferred to Route 108 project
- ACOE deferring 404 LEDPA decision until preferred alternative is selected and wetland delineation is verified



## **Causes of Delay**

- Sometimes delay due to non-environmental project issues
- E.g., Route 92/880 Interchange-Hayward
  - November 1988 Regional Measure
  - Citizens Advisory Committee non-support for 14 alternatives due to displacement, visual impacts
  - City develop new alternative-non std. Design
  - Additional public hearing, new alternative



- **Supplemental Draft EIS/R for new alternative**
- **Spring 2001 Supplemental Draft EIS/R**
- **ROD expected Winter 2001**
- **CT advancing design to offset delay in PA/ED**



## **Coping With Complexity And Uncertainty**

- **Good project scoping (PSRs)**
- **Well developed Purpose and Need**
- **Early identification of environmental issues**
- **Realistic schedules/Truth in programming**
- **Public support at programming stage, e.g., sales tax measure projects**



## **Initiatives to Speed Up Project Delivery**

- **“Change Control”**
  - Advances studies previously done in final design
  - “Locks in” design to avoid unplanned additional environmental work
  - Obtain information for permits during environmental studies



## **Initiatives, continued**

- **Interagency Partnering -**
  - NEPA/404 MOU
  - Share training & staff development
  - Pilot projects (MCAG RTP update)
- **Providing staff/resources to resource agencies**
  - Increase participation earlier and throughout project delivery



## **Initiatives, continued**

- **Advancing Environmental Issues to Planning**
  - **Regional perspective**
  - **Avoid or minimize significant impacts prior to programming**
  - **Better assessment of cumulative impacts**
  - **Increased use of GIS technologies and development of resource databases**



## **Initiatives, continued**

- **Mitigation banking**
- **“Focused” documents**
- **Programmatic approaches**
- **Training**



**Thank you for  
your attention**

**What are your questions?**

